

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

CR 20-88-GF-BMM

Plaintiff,

vs.

ORDER

JAMES TINO WHITE, JR.,

Defendant.

On August 23, 2021, the Court held a competency hearing for the Defendant James Tino White (White). At the hearing, Dr. Jeremiah Dwyer, a forensic psychologist reported that White likely suffers from mild Intellectual Disability, Trauma/Stressor Disorder with Borderline Personality Traits, and Substance Use Disorder. Dr. Dwyer stated in his written psychological evaluation that White's overall intellectual functioning falls within the "Extremely Low" range (i.e., IQ below 70). The evaluation indicates that White's Full-Scale IQ score is 63. Based on that score, White's general intellectual performance equals or exceeds only 1% of his same age peers. Dr. Dwyer observed that White "presented in a manner consistent with intellectual deficits." Dr. Dwyer's medical opinion was that White

was not competent to understand legal proceedings due to his “significantly below average intellectual functioning.” Neither party objected to any of Dr. Dwyer’s recommendations or conclusions. The Court found by a preponderance of the evidence, absent further psychological evaluation, that White presently suffers from a mental defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense and ordered White into the custody of the Attorney General for a period of time not to exceed four months consistent with the provisions of 18 U.S.C. § 4241(d), to determine whether there exists a substantial probability that in the foreseeable future that White will attain the capacity to permit the proceedings to go forward.

On May 24, 2022, the Court received, by e-mail, a forensic evaluation of White from T. Scarantino, Complex Warden, FCC Butner, North Carolina. The Court conducted a telephonic scheduling conference with the parties on May 26, 2022, where in the parties agreed that White will continue the therapeutic session and try to restore his competency and have the medical facility report back to the Court about White’s progress. (Doc. 35.)

On June 14, 2022, the Court received, by e-mail, a forensic evaluation of White from T. Scarantino, Complex Warden, FCC Butner, North Carolina. The Court conducted a telephonic scheduling conference with the parties on June 15,

2022, where in the parties agreed that White would continue the therapeutic session and try to restore his competency and have the medical facility report back to the Court about White's progress. (Doc. 38.)

On October 26, 2022 the Court received a forensic evaluation from FCC Butner, North Carolina.

Accordingly, **IT IS ORDERED** that the Clerk of Court shall file the forensic evaluation report under seal with copies provided to counsel for the Defendant and to the attorney for the Government. 18 U.S. C. § 4247(c).

IT IS FURTHER ORDERED that the undersigned will conduct a telephonic status call on Tuesday, November 1, 2022 at 11:00 a.m. The call in number is as follows: 877-402-9753; access code: 5136505.

DATED this 26th day of October, 2022.



Brian Morris, Chief District Judge
United States District Court